

Remarks

Claims 9 and 10 are added. Claims 1 to 10 are pending in this application of which only claims 1 and 8 are in independent form.

Claims 1 to 8 were rejected under 35 USC 102(b) as being anticipated by Vaughn. The following will show that independent claims 1 and 8 patentably distinguish the applicants' invention over this reference.

Vaughn discloses a control of the speed of a vehicle based on navigation data. A GPS computer receives the latitude, longitude, heading and the speed of the vehicle. From this data, the location of the vehicle and the maximum permissible speed thereof for this location is determined. The GPS computer compares the instantaneous speed to the maximum permissible speed and initiates a reduction of the instantaneous speed when the instantaneous speed exceeds the maximum permissible speed plus a pregiven value. In this way, Vaughn makes possible an automatic, location-dependent speed limiting of the vehicle to the maximum permissible vehicle speed pregiven for this location.

In contrast to Vaughn, the applicants' invention is directed to a method and an arrangement for controlling the speed of a vehicle wherein a desired value for the speed is changed by actuating an operator-controlled element. The extent of the change of the desired value is adjusted in dependence upon at least one piece of data as to the instantaneous driving situation of the vehicle. More specifically, claim 1 provides that:

"changing a desired value for said speed by actuating an operator-controlled element;"

Such an operator-controlled element per se is known and could, for example, be a steering column lever which is actuated by the operator.

In the prior art, when this operator-controlled element is actuated, the desired value of the speed is changed by a fixed pregiven value of 2 km/h, for example, as described on page 1 of the applicants' disclosure. No such operator-controlled element is anywhere suggested in Vaughn.

In contrast to the state of the art described on page 1 of the applicants' disclosure, the applicants' invention provides that an actuation of the operator-controlled element does not cause the pregiven desired value for the vehicle speed to be changed by a fixed pregiven amount; instead, the change of the desired value for the speed of the vehicle, which is triggered by the actuation of the operator-controlled element, is adjusted in dependence upon at least one piece of data as to the instantaneous driving situation of the vehicle. Accordingly, in the applicants' invention, when an operator-controlled element is provided via which the desired value for the speed is changed and the element is actuated, the change of the desired value, which results because of the actuation of the operator-controlled element and which is to be realized, is dependent upon the instantaneous driving situation and therefore not fixedly pregiven as, for example, in the state of the art set forth on page 1 of the applicants' disclosure. Thus, the second method step of claim 1 provides for:

"adjusting the extent of the change of said desired value in dependence upon at least one piece as data as to the instantaneous driving situation of said vehicle." (emphasis added)

The advantage with respect to the state of the art described on page 1 of the applicants' disclosure now becomes manifest. In this state of the art, if the instantaneous speed of the vehicle is used as the instantaneous driving situation, then the driver, for an instantaneous speed of 100 km/h, must actuate the steering column lever repeatedly to obtain a clear increase of the desired speed. For example, if when traveling on an expressway, an increase of the pregiven desired speed by 20 km/h is wanted by the driver, then the driver must actuate the steering column lever ten times in one direction in order to obtain this increase for a fixed pregiven increment value of 2 km/h.

In contrast, if the change of the desired value for the speed is dependent upon the instantaneous driving situation, in this example made dependent upon the instantaneous actual speed of the vehicle, a step width of 10 km/h for changing the desired speed could be provided with an actuation of the operator-controlled element for an instantaneous speed of the vehicle of 100 km/h or more as suggested in the applicants' disclosure at page 14, lines 22 to 25.

Vaughn is not concerned with a change of the desired value for the speed of a vehicle based on an actuation of an operator-controlled element, let alone, that the extent of the change of the desired value based on the actuation of the operator-controlled element be made dependent upon the instantaneous driving situation. The location-dependent limiting

of the vehicle speed to a maximum pregiven permissible maximum value for this location is not the subject matter of the applicants' invention as shown above.

In view of the foregoing, applicants submit that claim 1 should now patentably distinguish the applicants' invention over Vaughn and be allowable. Claim 8 parallels claim 1 in an apparatus context so that this claim too should now be allowable as should claims 2 to 7, 9 and 10 which are all dependent from one of the two independent claims 1 and 8.

Reconsideration of the application is earnestly solicited.

Respectfully submitted,



Walter Ottesen
Reg. No. 25,544

Walter Ottesen
Patent Attorney
P.O. Box 4026
Gaithersburg, Maryland 20885-4026

Phone: (301) 869-8950

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